

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas ADAMS et al.

Group Art Unit: 2194

Appl. No: : 10/743,475

Examiner: Andy Ho

Filed : December 23, 2003

Confirmation No.: 8046

For : FLEXIBLE NETWORK PLATFORM AND CALL PROCESSING SYSTEM

RESPONSE TO RESTRICTION REQUIREMENT WITH TRAVERSE

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AMENDMENT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Restriction Requirement of July 10, 2007, in which a one-month shortened statutory period for response was set to expire on August 10, 2007, Applicants hereby elect Invention I (as identified by the Examiner), to which claims 2-7 and 13-17 are directed. The above election is made with traverse.

In the Restriction Requirement of July 10, 2007, restriction was required to either Invention I (as identified by the Examiner), to which claims 2-7 and 13-17 are directed, and drawn to an object system having a state change registration and notification system; Invention II (as identified by the Examiner), to which claims 8-9 and 18-19 are directed, and drawn to an object development system, or Invention III (as identified by the Examiner), to which claims 10-12 and 20-22 are directed, and drawn to a system of objects having object templates. Upon entry of the present paper, Applicants will have elected Invention I (as identified by the Examiner), to which claims 2-7 and 13-17 are directed. However, the election of Invention I (as identified by the Examiner) is made with traverse

for at least the following reasons.

The Examiner's attention is respectfully directed to MPEP 806.05(d), which explicitly sets forth that "claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually restrictable when the subcombinations **do not overlap in scope** and are not obvious variants" (emphasis added). However, as set forth in MPEP 806.05(j), claims only do not overlap in scope if they are mutually exclusive, and the claims of the present application are not mutually exclusive.

The Restriction Requirement fails to acknowledge the requirement that restrictable subcombinations must not overlap in scope. In this regard, the Restriction Requirement appears to have overlooked this requirement as set forth in Form paragraph 8.16 from section 806.05(d) in the MPEP.

The Examiner's attention is also respectfully directed to MPEP 803, which explicitly sets forth that "if the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions." However, the Restriction Requirement does not provide an "appropriate explanation" of such burden, as set forth in MPEP § 803. That is, according to MPEP § 803, an appropriate explanation must be advanced by the Examiner as to the existence of a serious burden if the restriction requirement were not required, and such an explanation is not provided in the Restriction Requirement.

Finally, Applicants note that the Restriction Requirement only asserts that Invention III (as identified by the Examiner) has separate utility, without providing an explanation as to why, e.g., Inventions I and II (as identified by the Examiner) are considered to have separate utility from each other. Accordingly, the Restriction Requirement does not satisfy the requirements of MPEP 803.01,

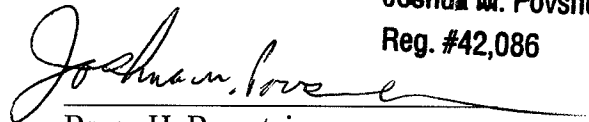
which indicates that Examiners must provide reasons and/or examples to support conclusions in setting forth a Restriction Requirement.

For these reasons, Applicants respectfully request reconsideration and withdrawal of the Restriction Requirement as set forth in the above-mentioned Restriction Requirement. Nevertheless, in order to be fully responsive, Applicants have elected with traverse Invention I (as identified by the Examiner), to which claims 2-7 and 13-17 are directed.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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July 31, 2007
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